



Marshall Dennehey Trial Attorneys Lead the Way Back Into the Courtroom During COVID-19 Pandemic

September 2020

Marshall Dennehey trial attorneys **Matthew Keris**, **Robert Aldrich**, and **Scott Gemberling** and **Don Carmelite** were among the first defense attorneys to try (and win) in-person civil jury trials in Pennsylvania during the pandemic. The back-to-back cases took place in July and August in Bradford County and are believed to be the first in-person jury trials in the state since the COVID-19 pandemic began.

Mr. Keris and **Mr. Aldrich** detailed their socially-distanced pandemic trial experience in an article appearing in *The Legal Intelligencer*, ["A Civil Jury Trial During the Pandemic: Observations From Those Who Know."](#) In their fire subrogation loss case involving a local gas company, the jury returned a defense verdict within 30 minutes of deliberation. The attorneys reported that all trial participants wore masks or face shields and the jury was moved to the courtroom gallery for social-distancing purposes. Jury selection was held in a school auditorium and witnesses participated via Zoom. Mr. Keris additionally stated that the Bradford County Court staff and Judge Evan Williams did a tremendous job putting the proceeding together.

On Friday evening August 21, 2020, a 12-person jury returned a defense verdict for the liquor license in a dram shop wrongful death case defended by Mr. Gemberling and Mr. Carmelite in the same courtroom before the same judge. The jury awarded damages against the drunk driver co-defendant only in the amount of \$500,000. The driver's policy limit of \$50,000 had been tendered years prior to the verdict. Mr. Gemberling remarked, "Judge Williams learned from the first trial insuring the safety of all participants during our five-day trial. We presented two Philadelphia-area experts by Zoom on the last day of trial in contrast to the in-person testimony of the plaintiff's experts the day before. The presentation of both defense experts, one narrating a bar videotape on a split screen, was even better than expected."

He further commented, "I believe the jurors appreciated that each expert, by testifying remotely, considered the health and well-being of the trial judge, court staff and jurors. Judge Williams instructed the jury that these experts were not unavailable and that Zoom testimony in a COVID-19 jury trial was entirely appropriate, implying that it may even be preferred. Speaking with Judge Williams after the trial, we agreed that Zoom testimony is here to stay."